

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHRISTINE CHANG, *et al.*,

No. C-07-4005 EMC

Plaintiffs,

v.

**ORDER DENYING PLAINTIFFS'
MOTION FOR APPOINTMENT OF
COUNSEL FOR GUARDIAN AD LITEM**

ROCKRIDGE MANOR CONDOMINIUM, *et al.*,

(Docket No. 120)

Defendants.

Previously, the Court issued an order denying Plaintiffs' application to appoint counsel for guardian ad litem. *See* Docket No. 86. The Court then denied Plaintiffs' motion to reconsider the denial. Plaintiffs have now filed yet another motion asking that counsel be appointed. Plaintiffs have already had "two bites at the apple" in seeking the requested relief. They are not entitled to a third. Moreover, Plaintiffs have failed to show why the Court's previous orders should be reconsidered. As the Court previously stated, Plaintiffs have failed to show that the merits of their case are sufficiently strong to warrant appointment of counsel, particularly in light of the Court's orders dismissing the majority of the claims asserted in the original complaint.

Because the Court is denying Plaintiffs' request to appoint counsel for guardian ad litem, Ms. Chang must decide whether she wishes to pursue her application to be appointed guardian ad litem for Mr. Sun or whether she will withdraw that application and have Mr. Sun dismissed from the case. *See Johns v. County of San Diego*, 114 F.3d 874, 877 (9th Cir. 1997) (stating that "a parent or guardian cannot bring an action on behalf of a minor child without retaining a lawyer"). The Court shall give Ms. Chang until April 14, 2008, to make this decision. If Ms. Chang does not cause a

1 notice of appearance by counsel, representing her in her application for appointment as guardian ad
2 litem, to be filed by said date, the application will be denied and Mr. Sun will be dismissed.

3 For the foregoing reasons, the Court **DENIES** Plaintiffs' motion for appointment of counsel.
4 The hearing on Plaintiffs' motion set for April 23, 2008 at 10:30 a.m. is hereby **VACATED**.

5 This order disposes of Docket No. 120.

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7 IT IS SO ORDERED.

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9 Dated: March 7, 2008

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EDWARD M. CHEN
United States Magistrate Judge

UNITED STATES DISTRICT COURT
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CERTIFICATE OF SERVICE

ROCKRIDGE MANOR CONDOMINIUM, *et al.*,

Defendants.

I, the undersigned, hereby certify that I am an employee in the U.S. District Court, Northern District of California. On the below date, I served a true and correct copy of the attached, by placing said copy/copies in a postage-paid envelope addressed to the person(s) listed below, by depositing said envelope in the U.S. Mail; or by placing said copy/copies into an inter-office delivery receptacle located in the Office of the Clerk.

Christine Chang
341 Tideway Drive #214
Alameda, CA 94501

*ALL OTHER COUNSEL SERVED VIA
ELECTRONIC FILING*

Dated: March 7, 2008

RICHARD W. WIEKING, CLERK

By: /s/
Leni Doyle
Deputy Clerk